

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--------------------|---|--------------------------|
| DAVID E. O'DONALD, | : | |
| Petitioner | : | |
| v. | : | Civil Action No. 05-421J |
| JOHN YOST, WARDEN, | : | |
| F.C.I. LORETTO, | : | |
| Respondent | : | |

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 11, 2006, docket no. 7, recommending that the petition be denied without service.

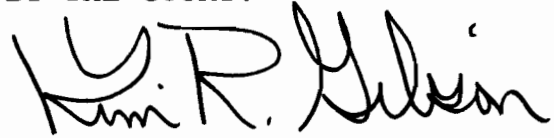
The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Petitioner did not file objections, and the time to do so has expired.

After review of the record of this matter and the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of August, 2006, it is

ORDERED that the petitioner's petition is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

David E. O'Donald #49745-066
F.C.I. Loretto
P.O. Box 1000
Loretto, PA 15940